

# **EXHIBIT A**

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**From:** John Bursch <jbursch@burschlaw.com>  
**Sent:** Friday, December 8, 2023 5:45 PM  
**To:** Nate Fink  
**Cc:** Pattwell, Michael J.; Fleming, James J.; Meingast, Heather (AG); GrilleE@michigan.gov; Green, Jennifer K.; McKnight, Katherine L.; plewis\_bakerlaw.com; Banks, Amia; Raile, Richard; Atiya, Dima; Braden, E. Mark; David Fink  
**Subject:** RE: Agee, et al v. Benson, et al - Concurrence Request  
**Importance:** High

**[External Message]**

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Hi Nate. We would appreciate it if your amended concurrence certificate would include the time you made the request, the time we responded, and the time you efiled, as well as the substance of our objection. Otherwise, we will have no choice but to burden the court with those details in our brief.

Many thanks,

John

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**From:** Nate Fink <nfink@finkbressack.com>  
**Sent:** Friday, December 8, 2023 5:43 PM  
**To:** John Bursch <jbursch@burschlaw.com>  
**Cc:** Pattwell, Michael J. <mpattwell@clarkhill.com>; Fleming, James J. <jfleming@clarkhill.com>; Meingast, Heather (AG) <MeingastH@michigan.gov>; GrilleE@michigan.gov; Green, Jennifer K. <jgreen@clarkhill.com>; McKnight, Katherine L. <kmcknight@bakerlaw.com>; plewis\_bakerlaw.com <plewis@bakerlaw.com>; Banks, Amia <abanks@clarkhill.com>; Raile, Richard <rraile@bakerlaw.com>; Atiya, Dima <datiya@bakerlaw.com>; Braden, E. Mark <MBraden@bakerlaw.com>; David Fink <dfink@finkbressack.com>  
**Subject:** RE: Agee, et al v. Benson, et al - Concurrence Request

John,

I had already filed the Motion and Concurrence Certificate when I received your email. I will file an amended concurrence certificate advising the Court that Plaintiffs do not concur.

Nate



**Nathan J. Fink**

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**From:** John Bursch <[jbursch@burschlaw.com](mailto:jbursch@burschlaw.com)>  
**Sent:** Friday, December 8, 2023 5:41 PM  
**To:** Nate Fink <[nfink@finkbressack.com](mailto:nfink@finkbressack.com)>  
**Cc:** Pattwell, Michael J. <[mpattwell@clarkhill.com](mailto:mpattwell@clarkhill.com)>; Fleming, James J. <[jfleming@clarkhill.com](mailto:jfleming@clarkhill.com)>; Meingast, Heather (AG) <[MeingastH@michigan.gov](mailto:MeingastH@michigan.gov)>; [GrillE@michigan.gov](mailto:GrillE@michigan.gov); Green, Jennifer K. <[jgreen@clarkhill.com](mailto:jgreen@clarkhill.com)>; McKnight, Katherine L. <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; plewis\_bakerlaw.com <[plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)>; Banks, Amia <[abanks@clarkhill.com](mailto:abanks@clarkhill.com)>; Raile, Richard <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Atiya, Dima <[datiya@bakerlaw.com](mailto:datiya@bakerlaw.com)>; Braden, E. Mark <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; David Fink <[dfink@finkbressack.com](mailto:dfink@finkbressack.com)>  
**Subject:** RE: Agee, et al v. Benson, et al - Concurrence Request  
**Importance:** High

Hi Nate, and thank you for your email. In your filing, please represent Plaintiffs' position in response to your request for concurrence as follows: "Plaintiffs do not concur in Defendants' motion because (1) some of the exhibits are public documents available to anyone with an Internet connection, (2) some are part of the Commission's record (all of which was stipulated into admission), and (3) some are Commission documents that contradict testimony given under oath by Defendants' primary lay witnesses."

Best regards,

John

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**From:** Nate Fink <[nfink@finkbressack.com](mailto:nfink@finkbressack.com)>  
**Sent:** Friday, December 8, 2023 4:34 PM  
**To:** John Bursch <[jbursch@burschlaw.com](mailto:jbursch@burschlaw.com)>  
**Cc:** Pattwell, Michael J. <[mpattwell@clarkhill.com](mailto:mpattwell@clarkhill.com)>; Fleming, James J. <[jfleming@clarkhill.com](mailto:jfleming@clarkhill.com)>; Meingast, Heather (AG) <[MeingastH@michigan.gov](mailto:MeingastH@michigan.gov)>; [GrillE@michigan.gov](mailto:GrillE@michigan.gov); Green, Jennifer K. <[jgreen@clarkhill.com](mailto:jgreen@clarkhill.com)>; McKnight, Katherine L. <[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)>; plewis\_bakerlaw.com <[plewis@bakerlaw.com](mailto:plewis@bakerlaw.com)>; Banks, Amia <[abanks@clarkhill.com](mailto:abanks@clarkhill.com)>; Raile, Richard <[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)>; Atiya, Dima <[datiya@bakerlaw.com](mailto:datiya@bakerlaw.com)>; Braden, E. Mark <[MBraden@bakerlaw.com](mailto:MBraden@bakerlaw.com)>; David Fink <[dfink@finkbressack.com](mailto:dfink@finkbressack.com)>  
**Subject:** Agee, et al v. Benson, et al - Concurrence Request

John,

The Commission will be filing a motion today asking the Court for an order striking the ten exhibits attached to Plaintiffs' post-trial briefing that were not proffered for admission into evidence at trial, were not admitted into evidence, and were not on Plaintiff's exhibit list. Please let us know if you will concur.

Nate



**Nathan J. Fink**

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